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U N I T E D S T A T E S P A T E N T O F F I C E  
D E C 1 9 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

H. Webb  
B. Webb  
1/6/04

In re Patent Application of

WILLIAMS et al

Atty. Ref.: 626-5

Serial No. 10/052,391

Group: 3762

Filed: January 23, 2002

Examiner: Scott M. Getzow

For: BRAIN RESCUE INSTRUMENT AND METHOD

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER**

Sir:

Your petitioner, Auckland Uniservices Limited, a New Zealand corporation having an office and place of business at UniServices House, 58 Symonds Street, Auckland 1001 New Zealand, the undersigned being the attorney of record, represents that it is the assignee as evidenced by the assignment recorded at Reel 010595, Frame 0366 and submitted for recordal in the USPTO on February 24, 2000, of all right, title and interest in and to application Serial No. 10/052,391, filed on January 23, 2002 for BRAIN RESCUE INSTRUMENT AND METHOD. Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. patent 6,406,427, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to such patent granted on the above-identified application

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shall be the same as the legal title to said U.S. patent 6,406,427, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of said U.S. patent 6,406,427 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The evidentiary documents accompanying this document or referred to above have been reviewed by the undersigned and it is certified that to the best of the assignee's knowledge and belief, title is in the assignee seeking to take action.

Respectfully submitted,  
**NIXON & VANDERHYE, P.C.**

Name: Leonard C. Mitchard  
Reg. No. 29,009

Dec 19 '03  
Date of Execution